

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To: LANCE L. VIETZKE DORSEY & WHITNEY LLP 1001 PENNSYLVANIA AVENUE, N.W. SUITE 300 SOUTH WASHINGTON, DC. 20004		<div style="text-align: right; font-size: 1.2em; font-weight: bold;">31 JAN 2003</div> Date of Mailing (day/month/year)
Applicant's or agent's file reference		REPLY DUE within TWO months from the above date of mailing
International application No. PCT/US00/17266	International filing date (day/month/year) 23 JUNE 2000	Priority date (day/month/year) 25 JUNE 1999
International Patent Classification (IPC) or both national classification and IPC IPC(7): H04N 7/173 and US Cl.: 725/87		
Applicant DISCOVERY COMMUNICATIONS INC.		

1. This written opinion is the <u>first</u> (first, etc.) drawn by this International Preliminary Examining Authority.	
2. This opinion contains indications relating to the following items:	
I II III IV V VI VII VIII	<input checked="" type="checkbox"/> Basis of the opinion <input type="checkbox"/> Priority <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step or industrial applicability <input type="checkbox"/> Lack of unity of invention <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Certain documents cited <input type="checkbox"/> Certain defects in the international application <input type="checkbox"/> Certain observations on the international application
3. The applicant is hereby invited to reply to this opinion.	
When? How? Also	See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d). By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.5 and 66.9. For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: <u>25 OCTOBER 2001</u>	

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer CHRISTOPHER GRANT
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I <input checked="" type="checkbox"/> Basis of the opinion II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step or industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application	3. The applicant is hereby invited to reply to this opinion When? See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d). How? By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9. Also For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 bis. For an informal communication with the examiner, see Rule 66.6. If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.
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I. Basis of the opinion**1. With regard to the elements of the international application: ***☒ the international application as originally filed☒ the description:

pages 1-58, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

☒ the claims:

pages 59-68, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of

☒ the drawings:

pages 1-48, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

☒ the sequence listing part of the description:

pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.
These elements were available or furnished to this Authority in the following language: _____ which is:☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).**3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the written opinion was drawn on the basis of the sequence listing:**☐ contained in the international application in printed form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.**4. ☒ The amendments have resulted in the cancellation of:**☒ the description, pages NONE☒ the claims, Nos. NONE☒ the drawings, sheets/fig. NONE**5. ☐ This opinion has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed".

WRITTEN OPINION

International application No.

PCT/US00/17266

V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step, or industrial applicability; citations and explanations supporting such statement

1. statement

Novelty (N)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO
Inventive Step (IS)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO
Industrial Applicability (IA)	Claims	(Please See supplemental sheet)	YES
	Claims	(Please See supplemental sheet)	NO

2. citations and explanations

Claims 1-3, 5, 6, 5-13, 22-24, 26, 27, 29-34, 43, 45-49, 51, 53 and 54 lack novelty under PCT Article 33(2) as being anticipated by Huffman (WO 97/22112).

Considering claims 1, 6, 11, 22, 29, 32, 43 and 51, Huffman discloses an apparatus and corresponding method for providing text to speech conversion for an electronic book displayed on a viewer comprising:

- a) a display (130) that displays a page of an electronic book on a viewer (figure 3), the page including text (figure 7);
- b) a selection module (242, figure 12) that receives a selection of text on the displayed page for conversion to speech (page 19, lines 16-23);
- c) a conversion module (152, figure 3 or 42) that converts at least a portion of the selected text in to corresponding speech (page 12, lines 3-14) (see also figures 11, 14 and 15).

Claims 2-3, 9-10, 12-13, 23-24, 30-31, 33-34 and 45-46 are met by figure 11 and columns 18-19.

Claims 5, 26 and 49 are met by page 20, lines 6-24.

Claims 6, 27 and 53-54 are met by page 12, lines 3-18.

Claims 47-48 are met by figures 5, 6, 11, 15, 16 or 21.

Claims 7 and 28 lack an inventive step under PCT Article 33(3) as being obvious over Huffman (WO 97/22112) in view of Case (5,737,723).

Considering claims 7 and 28, Huffman (97/22112) discloses an apparatus and corresponding method for providing text to speech conversion for an electronic book displayed on a viewer comprising:

- a) a display (130) that displays a page of an electronic book on a viewer (figure 3), the page including text (figure 7);
- b) a selection module (242, figure 12) that receives a selection of text on the displayed page for the conversion to speech (page 19, lines 16-23);
- c) a conversion module (152, figure 3 or 42) that converts at least a portion of the selected text in to corresponding speech (page 12, lines 3-14) (see also figures 11, 14 and 15).

However, Huffman (97/22112) fails to specifically disclose (Continued on Supplemental Sheet.)

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

V. 1. REASONED STATEMENTS:

The opinion as to Novelty was positive (YES) with respect to claims 4, 7, 14-21, 25, 28, 35-42, 44, 50, 52, 55-58.

The opinion as to Novelty was negative (NO) with respect to claims 1-3, 5, 6, 8-13, 22-24, 26, 27, 29-34, 43, 45-49, 51, 53, 54.

The opinion as to Inventive Step was positive (YES) with respect to claims NONE.

The opinion as to Inventive Step was negative (NO) with respect to claims 1-58.

The opinion as to Industrial Applicability was positive (YES) with respect to claims 1-58.

The opinion as to Industrial Applicability was negative (NO) with respect to claims NONE.

V. 2. REASONED STATEMENTS - CITATIONS AND EXPLANATIONS (Continued):

an audio access module that accesses an audio file as recited in the claims.

Case discloses an audio access module that accesses an audio file for the advantage of automatically generating audio or speech corresponding to text.

It would have been obvious to one of ordinary skill in the art to modify Huffman's (97/22112) system to include an audio access module that accesses an audio file, as taught by Case, for the advantage of automatically generating audio or speech corresponding to text.

Claims 4, 25, 44 and 52 lack an inventive step under PCT Article 33(3) as being obvious over Huffman (WO 97/22112) in view of Boulton (4985697).

Considering claims 25, 44 and 52, Huffman (97/22112) fails to specifically disclose permitting a user to request a definition of a word as recited in the claims.

Boulton discloses permitting a user to request a definition of a word for the advantage of providing a dictionary function to a user. See column 4, lines 11-16, the abstract and figures 1 and 16.

It would have been obvious to one of ordinary skill in the art to modify Huffman's (97/22112) system to include permitting a user to request a definition of a word, as taught by Boulton, for the advantage of providing a dictionary function to a user.

Claims 14-17, 35-38 and 50 lack an inventive step under PCT Article 33(3) as being obvious over Huffman (WO 97/22112) in view of Van Kleeck et al (Van Kleeck, 5,890,122).

Considering claims 14-17, 35-38 and 50, Huffman discloses an apparatus and corresponding method for receiving commands for executing functions to an electronic book displayed on a viewer comprising:

a) a display (130) that displays a page of an electronic book on a viewer (figure 3), the page including text (figure 7); b) a selection module (242, figure 12) that receives a selection of text on the displayed page for the conversion to speech (page 19, lines 16-23); and c) a conversion module (152, figure 3 or 42) that converts at least a portion of the selected text into corresponding speech (page 12, lines 3-14) (see also figures 11, 14 and 15).

However, Huffman fails to specifically disclose a receive module that receives an audible command, a conversion module that converts the audible command into a corresponding electronic signal and an execute module as recited in the claims.

Van Kleeck discloses an apparatus for receiving commands for executing functions comprising: (a) a receive module (506, 507) that receives an audible command (b) a conversion module (509) that converts the audible command into a corresponding electronic signal and (c) an execute module (510, 511) that executes a function for the advantage of providing voice control of an electronic apparatus (instead of manual key input commands).

It would have been obvious to one of ordinary skill in the art to modify Huffman's system to include a receive module that receives an audible command, a conversion module that converts the audible command into a corresponding electronic signal and an execute module, as taught by Van Kleeck, for the advantage of providing voice control of an electronic apparatus instead of manual key input commands.

Claims 18-19, 39-40 and 55-58 lack an inventive step under PCT Article 33(3) as being obvious over Huffman (WO 97/22112) in view of Vergo (EP 0 924,687 A2).

Considering claims 18-19, 39-40 and 55-58, Huffman discloses an apparatus and corresponding method for providing an electronic book displayed on a viewer comprising a display (130) that displays a page of an electronic book on a viewer

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 11

(figure 3), the page including text (figure 7).

However, Huffman fails to specifically disclose a receive module that receives speech from a user, a commands module the converts the speech into corresponding electronic text and an insertion module that inserts the text into the electronic book as recited in the claims.

Vergo discloses an apparatus for performing dictation into an electronic book displayed on a viewer comprising a receive module that receives speech from a user, a commands module the converts the speech into corresponding electronic text and an insertion module that inserts the text into a device. This system provides efficient transcription from voice to text into an electronic device. See abstract and figure 3.

It would have been obvious to one of ordinary skill in the art to modify Huffman's system to include a receive module that receives speech from a user, a commands module the converts the speech into corresponding electronic text and an insertion module that inserts the text into the electronic book, as taught by Vergo, for the advantage of providing efficient transcription from voice to text into an electronic device.

Claims 20-21 and 41-42 lack an inventive step under PCT Article 33(3) as being obvious over Huffman (WO 97/22110) in view of Juang (EP 0 892,388 A1).

Considering claims 20-21 and 41-42, Huffman (97/22110) discloses an apparatus for restricting access to an electronic book for display on a viewer comprising: a store module (136, 154) that stores an electronic book for display on a viewer (figure 3).

However, Huffman (97/2110) fails to specifically disclose a receive module that receives audible command, a conversion module and an authorization module as recited in the claims.

Juang discloses a receive module that receives an audible command from a user, a conversion module that converts the audible command and an authorization module the provides authorization for the advantage of restricting access to an electronic device. See the abstract, figures 1-2 and page 2, lines 16-19.

It would have been obvious to one of ordinary skill in the art to modify Huffman's (97/22110) system to include a receive module that receives audible command, a conversion module and an authorization module, as taught by Juang, for the advantage of restricting access to an electronic device.

----- NEW CITATIONS -----

NONE